

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

LEE E. CRAWFORD,	:	
	:	
Plaintiff	:	CIVIL NO. 1:14-CV-1936
	:	
vs.	:	
	:	
WARDEN ROBERT MCMILLAN,	:	(Judge Rambo)
et al.,	:	
	:	
Defendants	:	

MEMORANDUM AND ORDER

Background

On October 7, 2014, Lee E. Crawford, a federal pretrial detainee, confined at the Lackawanna County Prison,¹ filed a complaint regarding the medical care he was receiving. Doc. 1.²

On October 7, 2014, Crawford filed a motion for appointment of counsel (Doc. 5) which was denied by order (Doc. 19) of November 24, 2014.

1. According to the court docket, Crawford is presently confined at Pike County Correctional Facility, Lords Valley, Pennsylvania.

2. This court's memorandum and order of October 26, 2015, listed the defendants named in the complaint and reviewed Crawford's allegations.

After being directed to pay the filing fee or a motion to proceed in forma pauperis, Crawford on November 19, 2014, filed a motion to proceed in forma pauperis. Doc. 17. On November 24, 2014, Crawford's motion to proceed in forma pauperis was granted and the United States Marshal directed to serve the complaint on the defendants named therein.

Counsel entered appearances on behalf of all of the defendants. Docs. 28, 29 and 32. On March 2, 2015, Defendants McMillan and the Lackawanna County Prison filed an answer which also set forth several affirmative defenses, including that Crawford's complaint fails to state a claim upon which relief can be granted. Doc. 30. On March 20, 2015, the remaining defendants (hereinafter referred to as the "Medical Defendants") filed a document entitled "Notice of Intention to File Motion to Dismiss Plaintiff's Complaint for Failure to File a Certificate of Merit." Doc. 33. However, no such motion to dismiss has been filed and the Medical Defendants have not filed a formal answer with affirmative defenses.

On April 13, 2015, Crawford filed a second motion for appointment of counsel (Doc. 35) which was conditionally granted by order (Doc. 36) of August 19, 2015. The order requested that the Chair of the Federal Bar Association's Pro Bono Committee attempt to find counsel to represent Crawford and stayed all proceedings for 45 days.³ It further provided that a new discovery and dispositive motions deadline would be established when deemed appropriate by the court. The 45 days expired on October 8, 2015, and counsel had not entered an appearance on behalf of Crawford. Furthermore, the Chair of the Federal Bar Association's Pro Bono Committee did not file a request for an extension of the 45 days deadline.

On October 26, 2015, the court issued an order which (1) directed the Medical Defendants to file a responsive within 20 days;⁴ (2) dismissed the claims

3. The order further advised Crawford that "if the court is unable to find counsel to represent him, he will be required to continue with his case pro se." Doc. 36, at 2.

4. Medical Defendants are put on notice that their time to file a response to the complaint expires on November
(continued...)

against the Lackawanna County Prison for failure to state a claim; (3) dismissed Crawford's request for declaratory and injunctive relief as he was no longer confined at Lackawanna County Prison; and (4) directed that all discovery be completed within 90 days.

On November 9, 2015, Crawford filed a motion for enlargement of time "to receive appointed counsel."

(Doc. 40) In light of (1) this court's prior order conditionally appointing counsel, (2) the deadline for the appearance of counsel on behalf of Crawford having long passed, and (3) the Chair of the Federal Bar Association's Pro Bono Committee not having requested an extension of this court's 45-day deadline, the court will deny Crawford's motion for enlargement of time.

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

(...continued)
16, 2015. Failure to do so may result in default.

Crawford's motion for enlargement of time (Doc.
40) is **DENIED**.

s/Sylvia H. Rambo
United States District Judge

Dated: November 12, 2015